

1   **Education Cabinet**

2   **Kentucky Board of Education**

3   **Department of Education**

4   **(Amendment)**

5   **703 KAR 5:020. The formula for determining school accountability.**

6   RELATES TO: KRS 158.145, 158.645, 158.6451, 158.6453, 158.6455, 158.6457, 20

7   U.S.C. 6301 et seq.

8   STATUTORY AUTHORITY: KRS 156.029, 156.070, 158.6453, 158.6455

9   NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 requires the

10   Kentucky Board of Education to promulgate administrative regulations to establish a

11   system for identifying and rewarding successful schools and to establish appropriate

12   consequences for schools failing to meet or exceed their assistance line. This

13   administrative regulation establishes a single assessment system with two (2)

14   accountability dimensions: one (1) addressing the requirements of KRS 158.6455 to

15   determine school classifications, and a second addressing the conditions necessary to

16   conform to federal assessment and accountability requirements of the "No Child Left

17   Behind Act of 2001", 20 U.S.C. 6301 et seq.

18   Section 1. Assessments. (1) The Kentucky Department of Education shall administer the

19   Kentucky Core Content Tests and commercially-available norm-referenced tests. The

20   Kentucky Core Content Tests shall be administered as follows:

21   (a) Reading at grades end of primary/3, 4, 5, 6, 7, 8, and 10;

1 (b) Mathematics at grades end of primary/3, 4, 5, 6, 7, 8, and 11;

2 (c) Science at grades 4, 7, and 11;

3 (d) Social studies at grades 5, 8, and 11;

4 (e) Arts and humanities at grades 5, 8, and 11;

5 (f) Practical living/vocational studies at grades 4, 7, and 10;

6 (g) On-demand writing at grades 5, 8, and 12; and

7 (h) Writing portfolio at grades 4, 7, and 12;

8 (2) The commercially available norm-referenced tests shall include a uniform test of

9 reading/language arts and mathematics components administered at the end of primary

10 (grade 3), EXPLORE at grade 8, PLAN at grade 10, and beginning in 2007-2008, the

11 ACT at grade 11 and WorkKeys as an optional test at grades 10, 11, or 12. ~~[At the~~

12 ~~elementary level, districts shall identify a grade level, select a commercially available~~

13 ~~norm-referenced test (NRT) approved by the Kentucky Department of Education, and~~

14 ~~administer the reading and mathematics components. School and district results shall be~~

15 ~~publicly reported and individual student results communicated to parents for all~~

16 ~~administered tests listed in this subsection. The Kentucky Department of Education shall~~

17 ~~provide districts a per pupil allocation to support the purchase of the elementary school~~

18 ~~level commercially available norm-referenced test.]~~

19 (3) Alternate assessment at grades end of primary/3, 4, 5, 6, 7, 8, 10, 11, and 12 shall

20 measure the same content areas as state-required assessments.

21 (4) Required participation in the National Assessment of Educational Progress (NAEP)

22 [~~NEAP~~]. If a school is selected by the U.S. Department of Education or its designated

contractors to participate in the state NAEP [~~NEAP~~] in reading, mathematics, science and writing at grades four (4) and eight (8), the school shall participate fully.

Section 2. Academic and Nonacademic Index Calculations. (1) For purposes of calculating a school's academic indices, the school shall be held accountable based on an aggregated average of the performance of the elementary, middle, or high school students who have been enrolled in the school for a full academic year in the accountability grades. For state-required high school assessments administered in the fall, schools shall be held accountable based on students who had been enrolled for a full academic year in the prior school year. The points assigned to students scoring at each student achievement level and sublevel for purposes of computing the academic indices for a particular content area shall include:

(a) Low novice (reading, mathematics, science, social studies, writing on-demand prompt, writing portfolio, arts and humanities, practical living and vocational studies and alternate assessment) [~~Nonperformance—if a total open response or writing prompt raw score of less than one (1), and multiple-choice total raw score that is less than chance performance and the score converts to less than medium novice, it~~] shall be assigned a score of zero. [~~For the writing portfolio or the alternate assessment component, if a raw score is less than one (1) and the score converts to less than medium novice, it shall be assigned a score of zero~~];

(b) Medium novice (reading, mathematics, science, social studies, writing on-demand prompt, writing portfolio, arts and humanities, practical living and vocational studies and alternate assessment) shall be assigned a score of thirteen (13);

- (c) High novice (reading, mathematics, science, social studies, writing on-demand, writing portfolio, and alternate assessment) shall be assigned a score of twenty-six (26);
- (d) Low apprentice (reading, mathematics, science, social studies, writing on-demand, writing portfolio, and alternate assessment) shall be assigned a score of forty (40);
- (e) Medium apprentice (reading, mathematics, science, social studies, writing on-demand, writing portfolio, arts and humanities, practical living and vocational studies, and alternate assessment) shall be assigned a score of sixty (60);
- (f) High apprentice (reading, mathematics, science, social studies, writing on-demand, writing portfolio, and alternate assessment) shall be assigned a score of eighty (80);
- (g) Proficient in all content areas shall be assigned a score of 100, and distinguished in all content areas shall be assigned a score of 140.
- (2) For all content areas in grades 4, 5, 6, 7, 8, 10, 11, and 12 except arts and humanities, practical living and vocational studies, and writing on-demand, the scores derived from the Kentucky Core Content Test shall be based on a scoring method that assigns fifty (50) percent of the weight of the scores from open-response items and fifty (50) percent of the weight from multiple-choice items.
- (3) For grade end of primary/three (3) content areas of reading and mathematics, and for grades five (5), eight (8), and eleven (11) content area of arts and humanities, the scores derived from the Kentucky Core Content Test shall be based on a scoring method that assigns thirty-three (33) percent of the weight of the scores from the open-response items and sixty-seven (67) percent of the weight from multiple-choice items. The writing score shall be based on a scoring method in which the on-demand writing and the writing

portfolio each shall contribute fifty (50) percent to the writing index. Practical living and vocational studies shall be based only on multiple-choice items.

(4) The values for attendance rate shall be the actual percentage reported. The values entered into formula calculations for retention rate at elementary and middle school and dropout rate at middle school shall be 100 minus the actual percentage calculated.

(5) Beginning with reporting in 2008-2009, graduation rate at high school shall be used for retention and dropout calculations and shall be calculated as required by the “No Child Left Behind Act of 2001”, 20 U.S.C. 6301 et seq. Kentucky values shall be added to the graduation rate as follows:

(a) Students receiving Certificates of Attainment shall earn one (1) point;

(b) Students graduating by age twenty-one (21) shall earn one (1) point;

(c) Students completing a secondary GED shall earn one-half (.50) point; and

(d) Students graduating in three (3) years or less as defined in the student’s Individual Learning Plan shall earn an additional one-half (.5) point for a total of one and one-half (1.5) points.

(6) High School nonacademic data shall include transition to adult life data.

(7) Beginning with reporting in 2009-2010 [~~2008-2009~~] the values for transition to adult life shall be a system of base and bonus points. The points shall be based upon those graduating students who have a completed Individual Learning Plan (ILP) and those graduates who:

(a) Meet or exceed the ACT benchmarks set by the Council on Post Secondary Education;

1 (b) Have indicated a workforce or military career path on their Individual Learning Plan  
2 (ILP) and earn a silver level Kentucky Employability Certificate; or

3 (c) Meet or exceed the transition criteria for the Kentucky Certificate of Attainment.

4 (8) A bonus point shall be added to the transition to adult life calculation for each  
5 graduate who:

6 (a) Passes three (3) Advanced Placement exams with scores of three (3) or greater;

7 (b) Receives an International Baccalaureate Diploma;

8 (c) Receives a Commonwealth Diploma;

9 (d) Receives a National Merit Finalist designation; or

10 (e) Has an Individual Learning Plan (ILP) that indicates a workforce or military career  
11 path and who earns:

12 (i) A gold level Kentucky Employability Certificate;

13 (ii) A Kentucky Occupational Skill Standards Certificate; or

14 (iii) National industry certification.

15 (9) Bonus points shall be added to the base transition to adult life calculation. Bonus and  
16 base points shall be divided by twice the number of graduates and capped at 100 points.

17 (10) Nonacademic data for a particular assessment year shall be calculated using the data  
18 from the previous school year. Nonacademic data shall be based on all grades within a  
19 school building generating appropriate data as follows:

20 (a) Attendance, primary through grade twelve (12);

21 (b) Retention rates, grades four (4) through eight (8);

22 (c) Dropout rates, grades seven (7) through eight (8);

(d) Graduation rate that reflects dropout and retention grades nine (9) through twelve (12); and

(e) Successful transition to adult life for the graduating students.

(11) Scores from alternate assessments shall be included in the academic indices so that the data from an alternate assessment completed by a student eligible to participate contributes the same weight to the academic component of the accountability index as would the data for a student participating in the regular components of the assessment program. The same requirement shall be applied to calculations required by "No Child Left Behind Act of 2001" 20 U.S.C. 6301 et seq.

Section 3. Components of the Accountability Index and Weights. (1) The accountability index shall consist of academic indices and the nonacademic index for elementary, middle, and high schools. Middle schools shall have an additional component, an index created from EXPLORE. High schools shall have an additional component, an index created from the PLAN and ACT.

(2) The accountability index shall be rounded to the nearest tenth on the accountability scale.

(3) Computing the academic index for each of the content areas of writing, reading, mathematics, science, social studies, arts and humanities, and practical living and vocational studies shall be based on the average of student scores as described in Section 2(1) of this administrative regulation. The accountability index of each elementary and middle school shall be calculated according to the following weights:

(a) Elementary school (grades end of primary - grade five 5)

Content Area	Weight
Reading	20.00% <del>22.00%</del>

Mathematics	20.00% <del>[22.00%]</del>
Science	14.00% <del>[14.50%]</del>
Social studies	14.00% <del>[14.50%]</del>
Writing On-Demand	7.25%
Writing Portfolio	7.25%
Arts and Humanities	5.00%
Practical Living and Vocational Studies	5.00%
Attendance Rate	1.50%
Retention Rate	1.00%
National Norm-referenced Test	5.00%
	100.00%

## 1 (b) Middle school (grades 6 - 8)

Content Area	Weights
Reading	18.00% <del>[19.00%]</del>
Mathematics	18.00% <del>[19.00%]</del>
Science	14.00% <del>[15.00%]</del>
Social studies	14.00% <del>[15.00%]</del>
Writing On-Demand	7.25% <del>[7.50%]</del>
Writing Portfolio	7.25% <del>[7.50%]</del>
Arts and Humanities	6.50% <del>[6.75%]</del>
Practical Living and Vocational Studies	6.50% <del>[6.75%]</del>
Attendance Rate	2.00%
Retention Rate	1.00%
Dropout Rate	0.50%
ACT Middle School Index	5.00%
	100%

## 2 (c) High school (grades 9 - 12)

Content Area	Weight
Reading	14.00%
Mathematics	14.00%
Science	14.00%
Social studies	14.00%
Writing On-Demand	7.00%
Writing Portfolio	7.00%
Arts and Humanities	7.00%
Practical Living and Vocational Studies	7.00%
Attendance Rate	3.00%



Graduation Rate	4.00%
Successful Transition to Adult Life	4.00%
ACT High School Index	5.00%
	100%

(4) The academic index for each content area and the nonacademic index shall be determined by summing their components as described in this section.

(5) The accountability index for all grade ranges shall be calculated by aggregating the data from all of the students in the school.

(6) Beginning in 2008-09, the elementary national norm-referenced test (NRT) index shall be included and applied to the Total Battery Composite National Percentiles as follows:

<u>NRT National Percentile Ranges</u>	<u>1-24</u>	<u>25-49</u>	<u>50-74</u>	<u>75-99</u>
<u>Weight</u>	<u>0</u>	<u>60</u>	<u>100</u>	<u>140</u>

(7) Beginning in 2008-09, the middle school accountability index shall include the EXPLORE at grade eight (8). The ACT middle school index shall include EXPLORE composite scores. Student performance standards comparable to those used in academic indices and described in Section 2 of this administrative regulation shall be applied to composite scores as follows:

<u>EXPLORE Ranges</u>	<u>0-2</u>	<u>3-5</u>	<u>6-7</u>	<u>8-10</u>	<u>11-13</u>	<u>14-15</u>	<u>16-19</u>	<u>20-25</u>
<u>Weight</u>	<u>0</u>	<u>13</u>	<u>26</u>	<u>40</u>	<u>60</u>	<u>80</u>	<u>100</u>	<u>140</u>

(8) ~~(6)~~ The high school accountability index shall include beginning in 2006-2007 the PLAN and beginning in 2007-2008 both PLAN and ACT as follows:

(a) Student performance standards comparable to those used in academic indices and described in Section 2 of this administrative regulation shall be applied to composite scores as follows:

PLAN Ranges	0-3	4-6	7-9	10-12	13-15	16-17	18-24	25-32
ACT Ranges	0-3	4-7	8-11	12-14	15-17	18-20	21-27	28-36
Weight	0	13	26	40	60	80	100	140

(b) Scores shall be associated with each performance level as described in Section 2 of this administrative regulation; and

The ACT High School index shall be based on the average of the indices beginning in 2007-2008 for both PLAN and ACT composite scores.

Section 4. Schools Not Conforming to the Standard Grade Configuration. (1) For the Kentucky Core Content Test, if a school does not have grades 3, 4, and 5 at the elementary level, grades 6, 7, and 8 at the middle school, or grades 9, 10, 11, and 12 at the high school, the school shall be combined with the school or schools having the missing grade(s) its students previously attended or would subsequently attend, forming a single school accountability unit, for both state and federal school accountability purposes.

(2) A school or school district may request a waiver of the requirement of subsection (1) of this section or from the normal configuration of schools (elementary, middle, or high school) from the Kentucky Board of Education specifying other combinations of schools and assessment data if all students in an accountability grade are included, and all schools are accountable for all content areas assessed. A condition for the granting of a waiver shall be that each affected school and school district shall waive in writing its right to make the school configuration for which it sought a waiver the basis of a subsequent

1 appeal of a school's classification. A waiver request shall be received by the Kentucky  
2 Department of Education by June 30 of the year prior to the biennium for which the  
3 waiver is requested.

4 Section 5. Schools Having More than One (1) Accountability Level. If a school has more  
5 than one (1) accountability level, the school's accountability index shall be the average of  
6 the academic and nonacademic data for the school. This average accountability index  
7 shall be applied toward making adequate yearly progress decisions.

8 Section 6. School Service Area Reconfigurations. (1) If as a result of a change in service  
9 area boundaries or local board of education policies affecting student population served  
10 by a school, less than eighty (80) percent of a school's student population at its  
11 accountability grades is stable, the school shall be considered a reconfigured school. To  
12 determine if eighty (80) percent of the population is stable, the number of students in the  
13 stable population shall be divided by the sum of that number, plus the lost population,  
14 plus the gained population. If the result is less than eight-tenths (.8), the school shall be  
15 considered a reconfigured school.

16 (2) Schools reconfigured after the 2006-2007 [~~1998-1999~~] school year shall be assigned a  
17 baseline calculated from the 2006-2007 and 2007-2008 [~~1998-1999 and 1999-2000~~]  
18 aggregate district level data for the appropriate level (elementary, middle, or high  
19 school). [~~Calculations shall be based on appropriate weights used in reporting prior to~~  
20 ~~2006-2007.~~]

21 (3) A school district shall notify the Department of Education of any school that is  
22 planning for the upcoming school year to be a reconfigured school as provided in this

1 administrative regulation by June 30 prior to the beginning of the school year in which  
2 the reconfiguration is to occur.

3 (a) For the purpose of assigning a school classification of meets goal, progressing, or in  
4 need of assistance, a school that is considered a reconfigured school in either year of a  
5 biennium after 2008 ~~[2000]~~ on which accountability decisions are based shall have the  
6 performance judgment that would have applied to the district at that level (elementary,  
7 middle, or high school), if separate decisions (elementary, middle, or high school) were  
8 to be applied at the district level. In the alternative, a school district may submit to the  
9 Department of Education a plan for reconstituting baseline data taking into consideration  
10 the changes in service areas. The plan shall assure that local district calculations are  
11 accurate and appropriately include all student data in both baseline and growth index  
12 calculations. The plan shall be submitted to the Department of Education at the same time  
13 the district notifies the Department of Education of the school reconfiguration. If the  
14 Department of Education approves the plan, it shall become effective and shall remain in  
15 effect unless a specific waiver from this reconfiguration arrangement is requested from  
16 and granted by the Kentucky Board of Education as provided in this administrative  
17 regulation. This alternative shall not be implemented until the affected schools have a  
18 complete biennium of data to be considered in the growth calculations. A condition for  
19 acceptance of the plan shall be that each affected school and school district shall waive in  
20 writing its right to make the plan the basis of a subsequent appeal of a school's  
21 classification.

22 (b) To determine whether a reconfigured school meets adequate yearly progress ~~[for the~~  
23 ~~first three (3) years the school is reconfigured]~~, the determination shall be made based on

whether the school meets the annual measurable objectives established in reading and mathematics and has a participation rate for the school and its subpopulations of sufficient size identified in 20 U.S.C. 6301 et seq., of at least ninety-five (95) percent.

When a school's other academic indicator can be computed based on the school's student population [~~Beginning with the fourth year of the school's reconfiguration~~], the school shall meet all requirements for making adequate yearly progress as provided in Section 10(2) of this administrative regulation.

(c) In the alternative to paragraph (b) of this subsection, a school district may submit to the Department of Education a plan for reconstituting data necessary to determine whether a reconfigured school has met all requirements for meeting adequate yearly progress taking into consideration the changes in service areas. The plan shall assure that local district calculations are accurate and appropriately include all student data in annual calculations. The plan shall be submitted to the Department of Education at the same time the district notifies the Department of Education of the school reconfiguration. If the Department of Education approves the plan, it shall become effective and shall remain in effect unless a specific waiver from this reconfiguration arrangement is requested from and granted by the Kentucky Board of Education as provided in this administrative regulation. This alternative shall be implemented the year of the reconfiguration.

(4) A school that has contained more than one (1) level (elementary, middle, or high school) and is reconfigured by removing an entire level of the accountability grades may request that the portion of the school remaining stable be considered within the accountability system using its established historical data.

(5) A school in transition because of a new building or a new policy affecting population served and being phased in may request that the Department of Education establish data to maintain the continuity of accountability data if the request does not require the tracking of individual student data. This request shall require the approval of each affected school council, or the principal, if a school does not have a council, and the local board of education upon the recommendation of the superintendent.

Section 7. Accountability Procedures. (1) To establish expected levels of growth for each school, a straight line shall be drawn from a school's baseline minus one (1) standard error of measurement established in the 2006-2007 and 2007-2008 [~~1998-1999 and 1999-2000~~] biennium to the state goal of a growth accountability index of one hundred (100) minus one (1) standard error of measurement by 2014.

(2) There shall be five (5) points of school recognition. These shall be determined from the baseline data (school years 2006-2007 and 2007-2008 [~~1998-1999 and 1999-2000~~]) so that at least ten (10) percent of the schools fall below the first point of recognition and the fifth recognition point shall be set at 100 on the accountability index scale, with the remaining points being established at equal whole number intervals between the high and the low.

Section 8. School Classifications Recognizing Growth. (1) To determine if a school is classified as meets goal, progressing, or in need of assistance, the school's growth accountability index for a biennium shall be compared to the corresponding goal point and assistance point.

(2) A school shall be classified as meets goal if the school's growth accountability index meets or exceeds its goal point and meets the dropout and novice reduction requirements of this section.

(3) To receive rewards under the provisions of this administrative regulation, a school shall have a biennial dropout rate less than or equal to three and five-tenths (3.5) percent, or a dropout rate that is at least one-half ( $1/2$ ) of one (1) percent lower than its dropout rate of the previous biennium. The annual average dropout rate shall include students as provided in KRS 158.6455 (1)(b). A school shall not receive rewards if its dropout rate exceeds five (5) percent. If a school is reconfigured for a biennium, the school shall receive the aggregate district dropout rate for the biennium.

(4) To receive rewards under this administrative regulation, a school shall reduce the percent of novices on a schedule so that by the target biennium, the school shall have five (5) percent or less of its students scoring in the novice range of performance. The percent of novices shall be calculated to be reflective of the weights in Section 3 of this administrative regulation. The schedule shall be calculated by subtracting two (2) [~~five (5)~~] from the baseline percent novice and dividing this value by three (3) [~~seven (7)~~]. The maximum allowable percent novice for each biennium shall be calculated as follows:

~~[(a) Year 2002 = baseline percent novice minus the required novice reduction factor;~~

~~(b) Year 2004 = baseline percent novice minus the required novice reduction factor~~

~~multiplied by two (2);~~

~~(c) Year 2006 = baseline percent novice minus the required novice reduction factor~~

~~multiplied by three (3);~~

~~(d) Year 2008 = baseline percent novice minus the required novice reduction factor multiplied by four (4);~~

(a) ~~[(e)]~~ Year 2010 = baseline percent novice minus the required novice reduction factor ~~[multiplied by five (5)];~~

(b) ~~[(f)]~~ Year 2012 = baseline percent novice minus the required novice reduction factor multiplied by two (2) ~~[six (6)]~~; and

(c) ~~[(g)]~~ Year 2014 = baseline percent novice minus the required novice reduction factor multiplied by three (3) ~~[seven (7)]~~.

(5) A school shall be classified as a progressing school if the school's growth accountability index falls below its goal point and meets or exceeds its assistance point. A progressing school shall obtain an accountability index greater than that which it obtained in the previous biennium to earn a reward and other recognition as a progressing school.

(6) A school shall be classified as in need of assistance school if the school's growth accountability index falls below its assistance point. A school classified as being in need of assistance shall be eligible to apply for commonwealth school improvement funds and may be subject to a scholastic audit.

(7) In 2010 ~~[2002]~~, the highest scoring five (5) percent of all schools shall be designated as commonwealth pace-setter schools if they have met or exceeded the fourth point of recognition and if they meet the dropout rate and novice reduction requirements of this section. If not otherwise receiving rewards in recognition for growth, a commonwealth pace-setter school shall receive one (1) share of rewards. In addition, to be classified as a pace-setter school beginning with the biennium ending in 2012 ~~[2004]~~, a school shall not



1 have declined in both of the two (2) previous biennia. The rewards that may be due a  
2 school for having passed a higher point of recognition shall be given in addition to this  
3 amount.

4 Section 9. Reward Amounts. (1) There shall be two (2) levels of rewards for growth. A  
5 school classified as meets goal in accordance with Section 8(2) of this administrative  
6 regulation shall earn three (3) shares of rewards. A school classified as progressing in  
7 accordance with Section 8(5) of this administrative regulation shall earn one-half (1/2)  
8 share of rewards.

9 (2) A special one (1) time reward amount shall be distributed to schools as they meet or  
10 exceed school recognition points. These schools shall receive one (1) share of rewards  
11 and other forms of recognition as determined by the Kentucky Board of Education for  
12 meeting or exceeding each school recognition point.

13 (3) If a school passes two (2) or more of the school recognition points, in one (1)  
14 biennium, the reward shall be cumulative. A school shall be awarded these amounts only  
15 one (1) time for meeting or passing each point. A school earning this reward and  
16 subsequently falling below a recognition point shall not earn the reward for passing the  
17 point again.

18 (4) A school shall earn a recognition point reward based on where its baseline falls and  
19 shall not receive rewards for meeting or exceeding school recognition points below its  
20 baseline index.

21 (5) The total amount of rewards to be distributed to schools and school districts earning  
22 rewards shall not exceed one and three-fourths (1 3/4) percent of the amount of funds  
23 paid to certified personnel within Kentucky's public schools during the last year of the

1 accountability cycle. The total number of shares earned shall be divided into the amount  
2 determined pursuant to the subsection to determine the per share reward amount;  
3 however, a reward share shall not exceed \$2000. A reward share shall be distributed to a  
4 school that meets the requirements for rewards as specified in Section 8 of this  
5 administrative regulation. The number of shares earned shall be multiplied by the total  
6 number of certified staff, as provided in KRS 158.6455 and subsection (6) of this section,  
7 to determine the final reward amount, as follows:

8 (a) Meets goal: number of certified full-time equivalent (FTE) staff times three (3)  
9 shares;

10 (b) Progressing: number of certified full-time equivalent (FTE) staff times one-half (1/2)  
11 share;

12 (c) Pass one (1) school recognition point: number of certified full-time equivalent (FTE)  
13 staff times one (1) share; and

14 (d) Pace setter: number of certified full-time equivalent (FTE) staff times one (1) share.

15 (6) Beginning with rewards issued at the close of the 2007-2008 [~~1999-2000~~] school year,  
16 a school shall earn rewards for use in the school based on the number of certified staff  
17 assigned to the school at the close of the biennium. A reward amount shall be determined  
18 based on the number of verified certified staff assigned to the school or combinations of  
19 schools earning the reward. A reward amount for part-time and itinerant staff shall be  
20 calculated based on the proportion of time spent in the school.

21 Section 10. School Accountability Requirements of the "No Child Left Behind Act of  
22 2001". (1) For the purpose of determining whether a school has met the annual  
23 measurable objectives in reading or mathematics, the Kentucky Department of Education,

1 using reading and mathematics data from the 2001-2002 school year, shall establish a  
2 single starting point for each content area at each accountability level (elementary,  
3 middle, or high school) measuring the percentage of students meeting or exceeding the  
4 state's proficient level of academic achievement on the state assessments. The starting  
5 points for each accountability level shall be the percentage of students at or above the  
6 proficient level who are in the school at the 20th percentile in the state, based on  
7 enrollment, among all schools ranked by the percentage of students at or above the  
8 proficient level.

9 (2) For purposes of determining adequate yearly progress, a school shall be held  
10 accountable based on an aggregated average of the performance of the elementary,  
11 middle, or high school students who have been enrolled in the school for a full academic  
12 year in the accountability grades and producing school level accountability statistics  
13 including:

- 14 (a) Percent proficient and above in reading and mathematics;
- 15 (b) School classification criteria as described in subsection (5)(b) of this section;
- 16 (c) Graduation rates; and,
- 17 (d) Participation rates.

18 (3) If a school does not meet an annual measurable objective based on the current year  
19 aggregated average of the performance of the elementary, middle, or high school  
20 students, the aggregated average may be computed based on the most recent two (2) or  
21 three (3) years of student performance data in reading and mathematics.

(4) These statistics shall be used to determine if a school has met adequate yearly progress as measured against the annual measurable objectives established in Section 10(11) of this administrative regulation.

(5) Meeting adequate yearly progress. Schools shall be determined to have made adequate yearly progress for a school year if:

(a) The school and all subpopulations of sufficient size identified in 20 U.S.C. 6301 et seq., met district annual measurable objectives in both reading and mathematics or met the conditions described as "safe harbor" in 703 KAR 5:001;

(b) The school had a school classification of any category of progressing or meets goal in the CATS biennial or midpoint classification, whichever occurred more recently, at the elementary and middle school accountability levels; or for a school in the assistance category which demonstrates growth in the accountability index at or above the state average for the specific grade level configuration as defined in 703 KAR 5:001;

(c) The school demonstrated progress or met the annual goal for graduation rate as defined in 703 KAR 5:001; and

(d) The school had a participation rate of at least ninety-five (95) percent of the enrolled students and ninety-five (95) percent of each subpopulation of sufficient size identified in 20 U.S.C. 6301 et seq. Participation rate may be computed for the current year or, as an average of the most recent two (2) or three (3) years, to reach ninety-five (95) percent.

(6) No child left behind (NCLB) improvement school determination. A school shall be identified as a "NCLB improvement school" if for two (2) consecutive years the school fails to make adequate yearly progress in the same content area as defined in 703 KAR 5:001 - reading or mathematics.

(7) Reward or recognition. For a school meeting adequate yearly progress for two (2) consecutive years in both reading and mathematics, it shall receive a reward or recognition from the Department of Education as determined on an annual basis.

(8) Before identifying a school as a no child left behind improvement school and implementing consequences required by 20 U.S.C. 6301 et seq., the local school district shall provide the school with an opportunity to review the school-level data on which the proposed identification is based. Not later than thirty (30) days after the district provides the school with the opportunity to review such school-level data, the district shall make public a final determination on the status of the school with respect to the identification.

(9) Confidence intervals. A school shall be considered to have met the annual measurable objective in reading or mathematics if:

(a) The percent of students scoring proficient or above in a school meets or exceeds the annual measurable objective in reading or mathematics; or

(b) The annual measurable objective falls within the ninety-nine (99) percent confidence interval placed around the school's percent of students proficient and above. If more than the current year aggregated average of the performance of the elementary, middle, or high school students is used to compute an annual measurable objective, the confidence interval shall also be based upon the same most recent two (2) or three (3) years of student performance data upon which the aggregated average is based.

(10) Students included in participation rates. A student enrolled in a Kentucky public school on the first day of the testing window for the school shall be included in the calculation of the participation rates for the total population and for each subpopulation of sufficient size identified in 20 U.S.C. 6301 et seq.

(11) Students included in determining whether a school meets annual measurable objectives. Beginning with data from the 2003-2004 school year, a student enrolled in a school for a full academic year shall be included in the school calculation of the percent of students performing at the proficient level or above in both reading and mathematics for purposes of federal accountability decisions.

(12) Annual Measurable Objectives in Reading and Mathematics - 2003 through 2014.

The annual measurable objectives for reading and mathematics shall be as follows.

	Elementary		Middle		High		Primary-08		Primary-12		7-12	
Year	Reading	Math	Reading	Math	Reading	Math	Reading	Math	Reading	Math	Reading	Math
2001-02	47.27	22.45	45.60	16.49	19.26	19.76	46.44	19.47	37.38	19.57	32.43	18.13
2002-03	47.27	22.45	45.60	16.49	19.26	19.76	46.44	19.47	37.38	19.57	32.43	18.13
2003-04	47.27	22.45	45.60	16.49	19.26	19.76	46.44	19.47	37.38	19.57	32.43	18.13
2004-05	53.86	32.14	52.40	26.93	29.35	29.79	53.14	29.54	45.21	29.62	40.88	28.36
2005-06	53.86	32.14	52.40	26.93	29.35	29.79	53.14	29.54	45.21	29.62	40.88	28.36
2006-07	53.86	32.14	52.40	26.93	29.35	29.79	53.14	29.54	45.21	29.62	40.88	28.36
2007-08	60.45	41.84	59.20	37.37	39.45	39.82	59.83	39.60	53.04	39.68	49.32	38.60
2008-09	67.04	51.53	66.00	47.81	49.54	49.85	66.53	49.67	60.86	49.73	57.77	48.83
2009-10	73.64	61.23	72.80	58.25	59.63	59.88	73.22	59.74	68.69	59.79	66.22	59.07
2010-11	80.23	70.92	79.60	68.68	69.72	69.91	79.92	69.80	76.52	69.84	74.66	69.30
2011-12	86.82	80.61	86.40	79.12	79.82	79.94	86.61	79.87	84.35	79.89	83.11	79.53
2012-13	93.41	90.31	93.20	89.56	89.91	89.97	93.31	89.93	92.17	89.95	91.55	89.77
2013-14	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

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Section 11. No Child Left Behind School Consequences. (1) Tier 1 consequences for no child left behind improvement schools. If a Title I school is identified as a no child left behind (NCLB) improvement school, the local school district shall provide parental notification with explanations, required in 20 U.S.C. 6301 et seq., including information that all students enrolled in the school have the option to transfer, at the district's expense, to another public school operated and selected by the local school district that

1 has not been identified as a school in improvement. The NCLB improvement school shall  
2 also write or revise its school plan.

3 (2) Tier 2 consequences for NCLB improvement schools. If a Title I school identified as  
4 an NCLB improvement school fails to make adequate yearly progress in both reading and  
5 mathematics by the end of one (1) full year after being identified as a NCLB  
6 improvement school, the local district shall require that school to provide supplemental  
7 services as required by 20 U.S.C. 6301 et seq., and continue to provide services mandated  
8 in Section 11(1) of this administrative regulation.

9 (3) Tier 3 consequences for NCLB improvement schools. If a Title I school identified as  
10 an NCLB improvement school fails to make adequate yearly progress in both reading and  
11 mathematics by the end of two (2) full years after being identified, the local district shall  
12 take corrective action as required by 20 U.S.C. 6301 et seq. and consistent with all  
13 relevant Kentucky statutes, and continue to provide services required in Section 11(1)  
14 and (2) of this administrative regulation.

15 (4) Tier 4 consequences for NCLB no child left behind improvement schools. If a Title I  
16 school identified as an NCLB improvement school fails to make adequate yearly progress  
17 in both reading and mathematics by the end of three (3) full years after being identified,  
18 the local district shall plan for alternative school governance required by 20 U.S.C. 6301  
19 et seq., and continue to provide services required in Section 11(1), (2), and (3) of this  
20 administrative regulation. If adequate yearly progress in both reading and mathematics is  
21 not made four (4) years after being identified as a NCLB improvement school, the  
22 alternative governance plan shall be implemented.

1 Section 12. Duration of Consequences. If a school identified as a NCLB improvement  
2 school makes adequate yearly progress in both reading and mathematics as defined in  
3 703 KAR 5:001 for two (2) consecutive school years after the identification, the school  
4 shall no longer be identified as a NCLB improvement school and the school shall not be  
5 subject to federal consequences.